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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,928	12/31/2001	James M. Doherty	T00362	5904
26381	7590	03/25/2005	EXAMINER	
LACASSE & ASSOCIATES, LLC 1725 DUKE STREET SUITE 650 ALEXANDRIA, VA 22314			FLYNN, KIMBERLY D	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,928

Applicant(s)

DOHERTY, JAMES M.

Examiner

Kimberly D Flynn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-31-01</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 10-11, 18, and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Petite et al. (U.S. Patent No. 6,437,692; herein after Petite).

In considering claim 1 and 10, Petite discloses a residential gateway that connects to an in-home network (col. 17, lines 35-42) which comprises at least one residential device connected to the residential gateway (local gateway 210), the residential gateway comprising:

a software module to receive control parameters from a control server via the Internet connection and cause the residential gateway to communicate with the residential device to provide control of the residential device based on the received control parameters (col. 6, lines 15-30 and col. 12, lines 7-11 see also col. 13, lines 13-27); and

wherein the control server determines the control parameters from relevant control information accessed from one or more information servers on the Internet and operation information of residential devices (col. 7, lines 54-57).

In considering claims 2, 11, and 21 Petite discloses that the residential gateway connects to an Internet connection to an in-home network, which comprises at least one residential device

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connected to the residential gateway wherein the residential device is a home irrigation system (fig. 8) that comprises:

an irrigation controller (fig 8, rain gauge, 813) connected to the residential gateway (local gateway, 210) and at least one sprinkler (fig.8, spray head, 817) connected to the irrigation controller.

In considering claims 18 and 20, Petite discloses the method comprising:

retrieving relevant control information from one or more information servers on the Internet; tracking operational information of the residential device; determining control parameters of the residential device based on the tracked operational information and retrieved control information; communicating the control parameters to the residential gateway via an Internet connection; wherein the residential gateway communicates with the residential device to provide control of the residential device based on the control parameters (col. 13, lines 8-30).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-9, 12-17, 19, and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petite in view of Mecham et al. (U.S. Patent No. 6,314,340 hereinafter Mecham).

In considering claims 3-6, 9, 12-15, 19, 22-25, and 28, While Petite discloses a remote irrigation control system (fig. 8), Petite does not explicitly disclose that the control information is climatic information, the operational information comprise water usage, and that the control parameters are a water cycle of the irrigation system based upon an economic setpoint.

Nonetheless, the aforementioned limitations are well known in the art as evidenced by Mecham.

In similar art, Mecham discloses an irrigation controller that collects and processes collected temperature data. Mecham further discloses that the operational information comprises water usage (col. 5, lines 52-65); the control information is climatic information (col. 5, lines 66-67 through col. 6, lines 1-2); and that the control parameters are a water cycle of the irrigation system based upon an economics setpoint (col. 6, lines 57-67 through col. 7, lines 1-3). It would have been obvious to a person having ordinary skill in the art to modify the system disclosed by Petite to include the specific control parameters and information taught by Mecham in order to more accurately predict and control the watering schedule according to actual needs. Therefore, the claimed limitation would have been an obvious modification.

In considering claims 7, 16, and 26, the combined system of Petite and Mecham further discloses that the information server is a weather station server that stores climatic information from a plurality of weather stations (col. 1, lines 29-47).

In considering claims 8, 17, and 27, while Petite discloses that the irrigation controller is connected to the residential gateway via a wireless interface (see fig. 8, transceiver, 221 and col. 2, lines 54-62), Petite does not explicitly disclose the wireless interface is an IEEE 802.11b interface. Nonetheless, IEEE 802.11b is a wireless LAN standard that is notoriously well known in the art. IEEE 802.11b is defined as a specification of the 802.11 family that was developed in

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1999 as ratification to the original 802.11 standard that allows wireless functionality comparable to Ethernet. It would have obvious to a person having ordinary skill in the art to modify the system disclosed by Petite to include the IEEE 802.11b wireless interface in order to have an interface that meets the IEEE 802.1 LAN management and bridging standards and also provide 11 Mbps transmission in the 2.4 GHz band. Therefore, the aforementioned limitations would have been obvious modifications to the system disclosed by Petite.

Conclusion

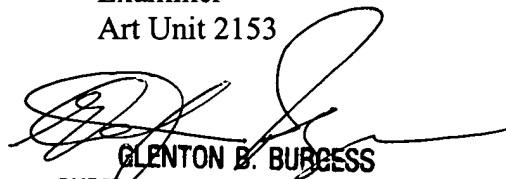
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 571-272-3954. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDF

Kimberly D Flynn
Examiner
Art Unit 2153


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100